



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 09-018

Comments

[NOTE: All citations to “Manual” in the comments below are to the Administrative Rules Procedures Manual, prepared by the Legislative Reference Bureau and the Legislative Council Staff, dated September 2008.]

2. Form, Style and Placement in Administrative Code

a. A title is shown only if it or the subunit to which it is a title (including an introduction) is being amended. [See s. 1.05 (3) (c), Manual.] So, for example, the titles shown in SECTIONS 1 and 3 of the rule are incorrect (i.e., should not be shown), while the title shown in SECTION 4 is correct.

b. The treatment of s. NR 19.30 should follow, not precede, the treatment of s. NR 19.275.

c. Many of the sections affecting s. NR 20.20 are not drafted correctly. The two most common errors in these sections are treatment clauses that do not correctly describe what those sections do and inclusion of existing language that is not affected by the rule. The following identifies, section by section, the corrections that are needed:

SECTION 12: The treatment clause should read, “NR 20.20 (7) (c) 2. is created to read:” and the text of par. (c) 1. should not be shown.

SECTION 13: The treatment clause should read, “NR 20.20 (16) (g) 4m. is created to read:” and only the text of the new subdivision (which should be numbered subd. 4m.) should be shown.

SECTION 17: The treatment clause should read, “NR 20.20 (35) (a) 1., (b) 1., (c), and (g) 1. and 1m. are amended to read:”. This section should not treat par. (d), since

Clearinghouse Rule 08-010 repeals that paragraph; a separate rule section is needed to create that paragraph again.

SECTION 18: There should be no underscoring of the text created by this section.

SECTION 19: The treatment clause should read, “NR 20.20 (37) (a), (c) 1., (e) 2., and (i) are amended to read:” and the text of par. (e) 1. should not be shown.

SECTION 21: The treatment clause should read, “NR 20.20 (44) (b) 1. and 2., and (g) 1., as affected by Clearinghouse Rule 08-010, are amended to read:” Again, this section should not treat par. (d), since Clearinghouse Rule 08-010 repeals that paragraph; a separate rule section is needed to create that paragraph again.

SECTION 22: The treatment clause should read, “NR 20.20 (49) (f) 2. is created to read:” and the text of par. (f) 1. should not be shown.

SECTION 23: The treatment clause should read, “NR 20.20 (50) (a), (b) 1. and 3., (cm), (d) 3., and (h) 2. are amended to read:” and the text of pars. (b) 2. and (h) 1. should not be shown.

SECTION 26: The treatment clause should read, “NR 20.20 (56) (i) 5m. is created to read:”, the text of the new subdivision should not be underscored, and the text of the rest of that paragraph should not be shown.

SECTION 28: The text of the new subdivision should not be underscored.

SECTION 29: The treatment clause should read, “NR 20.20 (64) (h) 2., 3., 4., and 11. are amended to read:” and the text of the rest of that paragraph should not be shown.

SECTION 32: The treatment clause should read, “NR 20.20 (72) (a), (c), (cm), (d), and (h) 1. are amended to read:” and the text of par. (h) 2. should not be shown.

SECTIONS 33 and 34: In the treatment clauses, “6.” should replace “(6).”

d. In the treatment of s. NR 20.20 (26) (g) 3., it is unclear what the notation “14F” is intended to do. Note that if the intent is to delete an extraneous “I,” the correct form is “~~14I~~ 14.”

e. In several instances in the treatment of s. NR 20.20, paragraph letters are missing the open parenthesis, such as “g)” in SECTION 14. The rule should be reviewed to correct these.

f. Sections NR 24.09 and NR 24.10 should be treated in separate rule sections. The treatment clause for the first of these sections should read: “NR 24.09 (1) (intro.) and (b) are amended to read:”.

4. Adequacy of References to Related Statutes, Rules and Forms

In s. NR 19.30, the second reference to s. NR 19.025 should be replaced with a reference to the rule or statutory section under which a person may serve as an angler or aquatic education instructor or an educational outdoor skills activity mentor.

5. Clarity, Grammar, Punctuation and Use of Plain Language

Throughout s. NR 20.20, in describing the zone in which the Wisconsin River fishing rules apply, should the word “tributaries” be added to the list of water body types?